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 DAVID KAYNE

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION – E-FILING

DAVID KAYNE, an individual citizen) Case No. C 07-4721 JF (RS)
 of Georgia,)

Plaintiff,)

vs.)

THE THOMAS KINKADE COMPANY,)
 formerly known as MEDIA ARTS)
 GROUP, INC., a Delaware Corporation,)

Defendant.)

**[PROPOSED] TEMPORARY
 RESTRAINING ORDER**

Hearing Date: October 5, 2007
 Hearing Time: 9:00 a.m.
 Courtroom: 3, 5th Floor

After consideration of the briefs and arguments of counsel, and all other matters presented to the Court, IT IS HEREBY ORDERED that plaintiff David Kayne's motion for a Temporary Restraining Order is hereby GRANTED.

Defendant The Thomas Kinkade Company is hereby temporarily restrained and ENJOINED from proceeding further with, and from attending, the pending arbitration presently before the American Arbitration Association, entitled *The Thomas Kinkade Company v. David Kayne* (AAA No. 74-181-E-000733-06), or any other arbitral proceeding pursuant to the "expedited" arbitration procedure set out in Exhibit "A" to plaintiff's complaint herein, until further order of this Court.

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1 Defendant is further ordered to show cause, on or before October __, 2007,
2 why it should not be preliminarily enjoined from proceeding further with, and from
3 attending, the pending arbitration presently before the American Arbitration
4 Association, entitled *The Thomas Kinkade Company v. David Kayne* (AAA No. 74-
5 181-E-000733-06), or any other arbitral proceeding pursuant to the "expedited"
6 arbitration procedure set out in Exhibit "A" to plaintiff's complaint herein.

7 Plaintiff shall file its reply to defendant's response to the order to show cause
8 on or before October __, 2007.

9 The Court will conduct a hearing on Plaintiff's motion for preliminary
10 injunction on October __, 2007, at ____.

11 IT IS SO ORDERED.

12 DATED: _____
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15 Hon. JEREMY FOGEL
16 United States District Judge
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